

Docket No. 200314661-1

Remarks

This Amendment is responsive to the May 31, 2007 Final Office Action. Reexamination and reconsideration of claims 2-13 and 15-29 is respectfully requested.

Summary of The Office Action

Claims 2-13, 15-23, and 26-29 stand allowed.

Claims 24-25 were rejected under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter.

The Present Amendment

All pending claims stand allowed except for the §101 rejection of claims 24-25. The present amendment addresses the §101 rejection by deleting the language relating to transmission media and carrier waves from paragraph [0017] of the specification. Thus no new matter has been added. The Examiner states that claims 24-25 would normally be statutory except for this language. The §101 rejection should now be withdrawn. Applicant respectfully requests that the present amendment be entered since it places all claims in condition for allowance.

Applicant notes that the U.S. Patent Office's Board of Patent Appeals and Interferences has stated that physical subject matter includes both tangible and intangible matter, and includes electrical signals. Ex parte Bilski, Board of Patent Appeals and Interferences, Appeal number 2002-2257, (Sept. 26, 2006), see pages 6, 17, 27, 37, and 38. The test for determining statutory subject matter includes determining whether the claim involves a transformation of physical subject matter, and this includes changes to signals. Bilski stated, "... Thus, it is apparent that changes to intangible subject matter representative

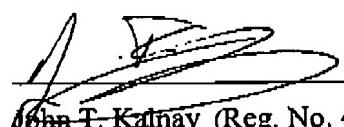
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of or constituting physical activity or objects are included in this definition"); citing Lundgren, 76 USPQ2d at 1398-99. Id. at 37. [Emphasis in original]. Therefore, claims 24-25 are statutory even if interpreted to include signals.

Conclusion

For the reasons set forth above, **claims 2-13 and 15-29** should now be in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,



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